GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR&RD – Allegation of failure to report regarding retirement particulars of AEEs/AEE of their Division for the calendar year 2013 and he had not obtained the Service Register of Sri D. Ravi Kumar, the then AEE and continuing the service of Sri D. Ravi Kumar beyond the actual date of retirement – Disciplinary proceedings against Sri G. Muthyam Babu, the then EE, PR Division, Kavali, SPSR Nellore District under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991- Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.RT.No. 391 **Dated: 15-07-2021.**

Read the following:

1. Final report from Director General, ACB., Vijayawada RC.No.144/RCTNNL/ 2016, Dt:22-5-2019.
2. From Director General, ACB., Vijayawada RC.No.144/RCT-NNL/2016, Dt:24-6-2021.

-:0:-

O R D E R:

It is proposed to hold an enquiry against Sri G. Muthyam Babu, the then EE, PR Division, Kavali, SPSR Nellore District in accordance with the procedure laid down in Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I and II). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri G. Muthyam Babu, the then EE, PR Division, Kavali, SPSR Nellore District, is directed to submit his written statement of defence within (10) days of the receipt of this order.

4. Sri G. Muthyam Babu, the then EE, PR Division, Kavali, SPSR Nellore District, is informed that an enquiry will be held only in respect those article of charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri G. Muthyam Babu, the then EE, PR Division, Kavali, SPSR Nellore District, is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte, based on the material available on record.

6. Sri G. Muthyam Babu, the then EE, PR Division, Kavali, SPSR Nellore District, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri G. Muthyam Babu, the then EE, PR Division, Kavali, SPSR Nellore District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(Contd.P.2)

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri G. Muthyam Babu, the then EE, PR Division, Kavali, SPSR Nellore District
(through the Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada.
The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada
(in duplicate with a request to serve and return the dated
acknowledgement copy)
Copy to:
The Director General, ACB, Vijayawada
(w.r.t Rc.No.144/RCT-NNL/2016,Dt:24-6-2021)
The Secretary to VC, APVC, Secretariat Buildings, Valagapudi.
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRIG.MUTHYAM BABU S/O BABJI RAO, AGE 58 YEARS, THE THEN EE, PR DIVISION, KAVALI,SPSR NELLORE DISTRICT.

That Sri G.Muthyam Babu, S/o Babji Rao, Age 58 years, EE, PR Division, Kavali is a native of Rajahmundry, East Godavari District. His date of birth is 9.7.1963 and joined in Government Service as Asst. Executive Engineer on 30.4.1985 and worked at PR Division, Kavali. Later he promoted as DEE on 5.1.1999 and worked at DRDA, Nellore and on 6.4.2011 promoted as Executive Engineer posted at PR, Division, Kavali and worked up to 16.4.2014. Presently he is working as EE, PR Division, Guntur. He is drawing basic pay of Rs.89,290-00 under the pay scale of Rs.49,870-100770. He is due to retire on attaining his superannuation on 31.7.2023. Here-in after he is referred as Government Servant.

CHARGE:

The Government Servant while working as EE, PR Division, Kavali from 6.4.2011 to 16.11.2014 failed to report regarding retirement particulars of AEEs/AEE of their Division for the calendar year 2013 and he had not obtained the Service Register of Sri Durgam Ravi Kumar, AEE.

Thus Sri G.Muthyam Babu, S/o Babji Rao, Age 58 years, EE, PR Division, Kavali by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and violated Rules 3(1)(2) (5) of APCS (Conduct) Rules, 1964.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI G.MUTHYAM BABU S/O BABJI RAO, AGE 58 YEARS, THE THEN EE, PR DIVISION, KAVALI,, SPSR NELLORE DISTRICT.

That Sri G.Muthyam Babu, S/o.Babji Rao, Age 58 years, EE, PR Division, Kavali is a native of Rajahmundry, East Godavari District. His date of birth is 9.7.1963 and joined in Government Service as Asst. Executive Engineer on 30.4.1985 and worked at PR Division, Kavali. Later he promoted as DEE on 5.1.1999 and worked at DRDA, Nellore and on 6.4.2011 promoted as Executive Engineer posted at PR, Division, Kavali and worked up to 16-04-2014. Presently he is working as EE, PR Division, Guntur. He is drawing basic pay of Rs.89,290-00 under the pay scale of Rs.49,870-100770. He is due to retire on attaining his superannuation on 31-07-2023. Here-in after he is referred as Government Servant.

CHARGE:

The Government Servant while working as EE, PR Division, Kavali from 6.4.2011 to 16.11.2014 failed to report regarding retirement particulars of AEEs/AEE of their Division for the calendar year 2013 and he had not obtained the Service Register of Sri Durgam Ravi Kumar, AEE.

Facts and Evidence

Brief facts of the case are that the Government Servant was trapped on 28.11.2016 in his office when he demanded and accepted bribe of Rs.55,000/- from Sri Lekkala Pedda Mala Konda Reddy for recording measurements of CC road works in M.Book.

During the course of investigation the investigating officer obtained service particulars of the Government Servant and on perusal of service particulars, it was found that the Government Servant was born on 16.07.1955 and had to retire from service on 31.07.2013.

After obtaining the service particulars of Sri Durgam Ravi Kumar, AEE, it was found that the said AE drawn salaries in spite of his actual date of superannuation in collusion with the Department Employees. The Government Servant is the DDO of Sri Durgam Ravi Kumar, AEE and he has to verify whether the office received service register or not and if found that it was not received he cannot draw the salary basing on the LPC and also absence of the employee particulars loaded in the format. The Government Servant, one and half years after joining of Sri Durgam Ravi Kumar, AEE addressed a letter to the Engineering Chief, PR, Hyderabad calling for service register of Sri Durgam Ravi Kumar, AEE and he has a duty to draw the salary basing on the service register only and he cannot draw the salary basing on the LPC alone instead of it without getting the service register he allowed Sri Durgam Ravi Kumar, AEE to draw the salary and also given increments to him which is highly objectionable and therefore he has showed his slack supervision and there was no correspondence to show that he made some correspondence with regard to the higher officials for getting the service register of Sri Durgam Ravi Kumar, AEE.

The Government Servant, Sri G.Muthyam Babu, EE, PR Division, Kavali, Nellore District by his above mentioned acts exhibited lack of integrity, devotion towards duty and conduct unbecoming of a Government Servant and thereby violated Rule 3 (1)(2) of APCS (Conduct) Rules, 1964.

Thus, the Government Servant thereby rendered himself liable for departmental action for major penalty.

GOPAL KRISHNA DWIVEDI
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SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES

1. Sri LekkalaPeddaMalakonda Reddy, s/o Late. Konda Reddy, aged; 54yrs, Occ; Sarpanch, Bairavaram Panchayat, Duthalur Mandal, SPSR Nellore District.

He is the complainant who lodged the report against Sri Durgam Ravi Kumar, AEE, who demanded the bribe amount and set the criminal law into motion in this case and speaks about case facts, demand, acceptance and official favour.

2. Sri S.Raja Sekhar, Town Planning Officer, O/o Commissioner, Kavali Municipality, Kavali, SPSR Nellore District.

He is one of the mediator in whose presence searches were conducted at the office of the EE, PR, Kavali on 27-12-2016 from 01-00 PM to 06-00 PM and drafted mediatornama.

3. Sri K.Venkata Koteswara Rao, Senior Assistant, O/o Commissioner,Kavali Municipality, Kavali, SPSR Nellore District.

He is one of the mediator in whose presence searches were conducted at the office of the EE.PR., Kavali on 27-12-2016 from 01-00 PM to 06-00 PM and drafted mediatornama.

4. Sri K.Prabhakar Reddy (Retired on 31.12.2017), the then Superintending Engineer, PR Circle, Nellore (from 01.01.2014 to 16.02.2014).

He worked as S.E, PRCircle, Nellore from 01.01.2014 to 16.02.2014. He gave statement that Sri M.Bhaskar worked as Superintendent, O/o.EE, PR, Kavali in his tenure.

5. Sri D.Sudheer Babu, EE, PR Division, Kavali:

He speaks about his letter vide Rc.No.A.2/ACB/08, Dt.15.12.2016 who supplied the attested copy of the service register of Sri Durgam Ravi Kumar, AEE and also the service particulars of Sri Durgam Ravi Kumar, AEE.

6. Sri S.Damodar Reddy, SE, PR Division, Nellore.

He speaks about his letter vide Lr.Rc.No.EC3/6531/2016, Dt.26.04.2017 who forwarded the information with regards to the particulars of the officers who failed to inform the retirement particulars of Sri Durgam Ravi Kumar, AEE regarding the year 2013.

7. Sri CVS Ramurthy, Engineer in chief, PR Division, Vijayawada.

He speaks about his letters vide No.1) GO RT/307/2021/PRR01-Panchyat Raj and Rural Development File No.C.No.13332/Vig.II/2016 Vig.III/062016/2016/ACB, Dated.6.12.2016 and 2) Vig.III/2016/2016/ACB, Dated.9.08.2017 who furnished information informing that Sri Durgam Ravi Kumar, AEE has to retire in the year 2013 and also issued suspension order of Sri Durgam Ravi Kumar, AEE after the trap.

8. SHO, Kavali II Town PS:

He speaks about registering of the Cr.No.133/2016 of Kavali II Town PS and transferring the case to Duthalur P.S.

9. SHO, Duthaluru PS:

He speaks about receiving of the FIR in Cr.No.133/2016 of Kavali II town Ps., and re-registering the same as Cr.No.2/2017 of Duthalur PS.

10. Sri T.Prabhakar, Deputy Supdt., of Police, ACB, Nellore Range, Nellore:

He is one of the investigating officer who speaks about the facts relating to Cr.No.13/RCT-ACB-NLR/2016.

11. Sri N.SivaKumar Reddy, Inspector of Police, ACB, Nellore Range, Nellore.

He is one of the investigating officer who speaks about the facts relating to Cr.No.13/RCT-ACB-NLR/2016.

(Contd.P.2)

12. Sri T.V.Srinivasa Rao, Inspector of Police, ACB, Nellore Range, Nellore.

He is one of the investigating officer who speaks about the facts relating to Cr.No.13/RCT-ACB-NLR/2016.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-IV

LIST OF DOCUMENTS

1. Complaint dated 25-11-2016 given by the Complainant:

It reveals the facts of the demand of bribe amount Rs.55,000/- by Sri Durgam Ravi Kumar, AEE on 28.11.2016 for doing an official favour i.e., for recording the measurements of CC Road works in M-Book which is pending since two months.

2. FIR in Cr.No.13/RCT-ACB-NLR/2016, dated 28-11-2016:

It reveals that a report was received from the complainant with regard to demand of bribe amount and registration of the case against Sri Durgam Ravi Kumar, AEE.

3. Mediators report dated 27-12-2016 from 13-00 hours to 18-00 hours drafted at the office of the Executive Engineer, Panchayat Raj, Kavali town and Mandal, SPSR Nellore District.

4. Xerox copy of Service Book of Sri Durgam Ravi Kumar, AEE.

5. Letter of Executive Engineer, PRI Division, Kavali vide Rc.No.A2/ACB/08 (service particulars of Sri Durgam Ravi Kumar, AEE) dated 15-12-2016 .

6. Rc.No.,EC3/653/2016 dated 26-04-2017 of SE PR, Nellore: who furnished the list of S.O's concerned caused not retirement of Sri Durgam Ravi Kumar, AEE.

7. Copy of FIR in Cr.No.133/2016 u/s 420, 120-B IPC dated 30-12-2016 of Kavali II Town P.S, against Sri Durgam Ravi Kumar, AEE.

8. Copy of FIR in Cr.No. 2/2017 u/s 420, 120-B IPC dated 04-01-2017 of Duttalur P.S as FIR in Cr.No.133/2016 was transferred from Kavali II town PS to Duttalur P.S on point of Jurisdiction.

9. Proceedings No.Vig.III/062016/ 2016/ACB dated 06-12-2016 of Engineer-in-Chief, PR, Vijayawada- Suspension orders of Sri Durgam Ravi Kumar, AEE.

10. Proceedings No.Vig.III/2016/ 2016 dated 09-08-2017 of Engineer-in- Chief, PR, Vijayawada– Orders of the Engineer-in-Chief, PR, Vijayawada in respect of Sri Durgam Ravi Kumar, AEE has to be retired on 31-07-2013.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

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